

THE HONORABLE BARBARA J. ROTHSTEIN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ALPHONSA CHANDLER; NICHOLAS
GORE; BRENT MERITY; and ERIC
VAUGHAN, each individually and on behalf of
all others similarly situated,

Plaintiffs,

v.

INTERNATIONAL MARINE AND
INDUSTRIAL APPLICATORS, LLC, a Florida
Corporation,

Defendant.

No. 2:22-cv-00339-BJR

**DECLARATION OF HARDEEP S.
REKHI IN SUPPORT OF PLAINTIFFS'
MOTION FOR FINAL APPROVAL**

I, Hardeep S. Rekhi, declare and say as follows:

1. I am an attorney at Rekhi & Wolk, P.S., counsel for Plaintiffs in this matter. I have personal knowledge of the following facts and if called to testify could and would competently do so. Previously, I filed a similar declaration to support our brief for attorney's fees and costs in February 2023 (ECF No. 46) but I wanted to provide updated information to the Court, evidencing Class Counsel's additional work and costs to date.

2. Specifically, for weeks in May 2023, up until May 26, 2023, Class Counsel attempted to call, text, and/or email all FLSA Collective Members who had not yet opted in to

1 remind them of the June 3, 2023 deadline to opt in.

2 3. Subject to the Court's approval, IMIA has agreed to pay a total settlement amount
3 of \$2,500,000. Out of this, \$750,000 is allocated for attorneys' fees, costs, and incentive awards.
4 The proposed incentive awards are \$10,000 per plaintiff, for a total of \$40,000. If approved, that
5 would leave \$710,000 for an award of attorneys' fees and costs. Class Counsel has thus far incurred
6 \$13,054.23 in costs. Plaintiffs anticipate incurring an additional \$1,500 to \$3,000 in expert fees to
7 finalize individual settlement payment calculations.

8 4. Class counsel expect they will have incurred more than \$235,000 in fees by the time
9 the final distribution of settlement awards is complete. My firm's lodestar of \$135,277 is based on
10 over 286 hours worked. Our attorney billing rates vary from \$350 to \$500. Class counsel's
11 combined lodestar of \$218,154 is based on over 450 hours worked. Additional work must still be
12 done, including finalizing award calculations and oversight of the payment distribution process.
13 Any funds not approved as fees and costs from the \$750,000 fund will be reallocated to the class
14 and collective members.

15 5. Rekhi & Wolk has advanced costs and invested numerous hours into the
16 investigation and prosecution of this case. We will continue to commit the time and resources
17 necessary to litigate the case and fairly and adequately represent and protect the interests of the
18 Class and Collective.

19 6. Since the beginning of this case, Rekhi & Wolk has worked with no guarantee of
20 being compensated for its time and efforts. Payment of Rekhi & Wolk's fees has always been
21 contingent on successfully obtaining relief for Plaintiffs, and Class and Collective Members. As a
22 result, there was a substantial risk of non-payment, particularly in light of the challenges inherent
23 in this type of case. Work on this case has necessarily been to the exclusion of work on other matters
24 that likely would have generated fees. Rekhi & Wolk has also been denied use of the fees it earned
25 over the course of this case.

26 7. The work performed by paralegal, Jeff Mead, was work that I or another attorney
27

would have had to perform absent such assistance. The work required an understanding of the facts and claims at issue in the case and was important to the development of those facts and claims. Mr. Mead is qualified to perform substantive legal work based on his training and past experience working for attorneys.

8. The following table identifies the attorneys and staff members from Rekhi & Wolk, P.S. who worked on this case and for whom the recovery of fees is sought. For each of the timekeepers below I have stated the current hourly rate, the number of hours worked through June 1, 2023, and the total amount of fees. These time summaries are taken from contemporaneous, daily time reports prepared and maintained by Rekhi & Wolk, P.S. in the regular course of business.

NAME AND POSITION	DESCRIPTION OF WORK PERFORMED	RATE	HOURS BILLED	TOTAL
ATTORNEYS				
Hardeep S. Rekhi Partner J.D. from Tulane University School of Law, 2003	Worked on complaint; researched factual and legal issues; worked on briefing in support of motion for collective certification; worked on discovery; worked on damages issues; worked on mediation materials; worked on settlement issues; worked on notice forms; and worked on case strategy.	\$500	218.00	\$109,000.00
Gregory A. Wolk Partner J.D. from Univ. of Washington School of Law, 1999	Worked on complaint; researched factual and legal issues; worked on discovery; worked on damages issues; worked on mediation materials; worked on settlement issues; and worked on case strategy.	\$500	40.10	\$20,050.00

Jennifer T. Song Associate Univ. of San Francisco School of Law, 2007	Researched factual and legal issues; worked on discovery; and worked on case strategy.	\$350	7.90	\$2,765.00
PARALEGALS/LEGAL ASSISTANTS				
Jeff Mead Paralegal 5 years legal experience	Prepared and reviewed client productions; prepared and reviewed Defendant's productions; communicated with clients to draft responses to interrogatories; worked on pleadings and supporting documents; and worked on docketing.	\$175	11.10	\$1,942.50
Emily Cole Legal Assistant 1 year legal experience	Reviewed and analyzed per diem data.	\$115	9.30	\$1,069.50
TOTAL:			286.40	\$135,227.00

9. In addition to our time, Ann Sullivan of Sullivan Law Group P.L.C., an attorney who also worked on the case, billed \$32,780 for work performed between February 1, 2021 and September 15, 2022. Her hourly rate is \$500.

10. Our rates have been approved by district courts and in Washington state court. The following is a list of some of the federal and state courts that have approved Rekhi & Wolk's rates as reasonable in class action litigation:

- a. *Helde v. Knight Transp., Inc.*, C12-00904 RSL (W.D. Wash.) (October 2017) (approving Rekhi & Wolk's standard rates);
- b. *Johnson v. JT Marketing Corp.*, Case No. 17-2-10264-4 KNT (Wash. Super. Ct. King County) (December 2017) (approving Rekhi & Wolk's standard rates);
- c. *Mendis, et al. v. Schneider National Carriers, Inc.*, U.S.D.C. Western Washington Case No. 2:15-cv-00144-JCC (W.D. Wash.) (November 2018);

d. *Hardie v. Best Parking Lot Cleaning, Inc.*, Case No. 17-2-27730-4 (Wash. Super. Ct. King County) (November 2019) (approving Rekhi & Wolk's standard rates);

e. *Mendoza v. American Service Medica, Inc.*, Case No. 16-2-23249-3 SEA (Wash. Super. Ct. King County) (June 2020) (approving Rekhi & Wolk's standard rates);

f. *Mohamed v. SkyHop Global LLC*, King County Case No. 18-2-54565-0 KNT (Wash. Super. Ct. King County) (February 2020) (approving Rekhi & Wolk's standard rates).

11. We have also expended more than \$13,054.23 in costs to date. These costs include expert fees, copying, mailing, and messenger expenses, computer research expenses, and mediation expenses.

12. Class counsel took on the case on a contingent basis and to the preclusion of other work, including individual cases, where the customary contingency rate is between 33% to 40%.

13. With regard to the service awards of \$10,000 each to the four named Plaintiffs, I believe that the amount is reasonable and should be approved. These employees commenced the lawsuit, worked with Class Counsel to litigate the claims, and responded to discovery. Plaintiffs responded to extensive interrogatories, requests for production, and requests for admissions. They were instrumental in providing information related to the wage claims and access to witnesses. They also made themselves available and actively participated in settlement and mediation discussions. They did this despite working long hours as welders.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this 1st day of June, 2023.

REKHI & WOLK, P.S.

By: s/ Hardeep S. Rekhi
Hardeep S. Rekhi, WSBA #34579

CERTIFICATE OF SERVICE

I hereby certify that I caused the document to which this certificate is attached to be delivered to the following as indicated:

*Attorneys for Defendant International
Marine and Industrial Applicators, LLC*

Melissa Mordy, WSBA #41879
Kate Tylee Herz, WSBA #40640
DAVIS WRIGHT TREMAINE LLP
929 180th Avenue, Suite 1500
Bellevue, WA 98004-4786
Telephone: 425.646.6100
Fax: 425.646.6199
Email: missymordy@dwt.com
katetyleeherz@dwt.com

- ☐ Messenger
- ☐ U.S. Mail, postage prepaid
- ☐ Federal Express
- ☐ Facsimile
- ☐ Email
- ☒ ECF

Katie Loberstein, WSBA #51091
Scott Prange, WSBA #53980
920 Fifth Avenue, Suite 3300
Seattle, WA 98104-1610
Telephone: 206.622.3150
Fax: 206.757.7700
Email: katieloberstein@dwt.com
scottprange@dwt.com

Declared under penalty of perjury under the laws of the state of Washington dated at Seattle,
Washington this 1st day of June, 2023.

/s/ Jeff Mead
Jeff Mead, Paralegal